

DOCUMENT RESUME

02906 - [A2013090]

[Travel Allowance Incident to Travel for Home Leave and Transfer of Station]. B-183215. July 14, 1977. 2 pp.

Decision re: Stephen J. Hayden; by Paul G. Dembling (for Elmer B. Staats, Comptroller General).

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Authority: 6 FAM 131.3-2a.

The claimant requested reconsideration of a decision disallowing his claim for additional reimbursement representing the difference between the constructive cost of commercial railroad travel claimed and the constructive cost of air travel paid. Reconsideration is not possible where the decision recipient merely indicates general disagreement with the result reached in a decision as opposed to alleging or proving a material mistake of law or of fact. (Author/SC)

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DECISION



DUNN
CIV. PER.
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-183215

DATE: July 14, 1977

**MATTER OF: Stephen J. Hayden - Travel allowance incident to
travel for home leave and transfer of station -
Reconsideration**

**DIGEST: This Office will reconsider its decision
if material mistake of law or of fact is
alleged or proven. Reconsideration is
not possible, however, where decision
recipient merely indicates general dis-
agreement with the result reached in a
decision.**

This decision is in response to a request for reconsideration of our decision B-183215, May 5, 1975, which sustained the disallowance of our Transportation and Claims Division of Mr. Stephen J. Hayden's claim for additional reimbursement representing the difference between the constructive cost of commercial railroad claimed and the constructive cost of air travel paid incident to change of station and authorized home leave. The facts in this case were fully stated in our decision of May 5, 1975, and need not be repeated except as pertinent to the present discussion of the case. In asking for reconsideration of our May 5, 1975 decision, Mr. Hayden states that the disallowance rests on an improper definition given to the word "private" in applying the applicable regulations to his use of a rental car.

Mr. Hayden challenges the distinction attributed to our decision between a rental car and passage on a commercial airline, and he seeks "a more understandable basis for the classification of car rental firms in the same genre as 'private' or personal cars while exempting airlines and railroads from the same category." Whether airlines and railroads are considered "private" within the contemplation of the applicable regulations is not determinative of the question at issue and therefore was not dealt with in our prior decision.

The operative fact from which the disallowance must result is that Mr. Hayden chose an indirect travel route to return to Stateline, Nevada, for home leave. Mr. Hayden proceeded under travel orders authorizing travel from Ouagadougou to Ithaca, New York, with home leave at Stateline to be governed by 6 FAM 100. Use of privately-owned vehicle was not authorized on the

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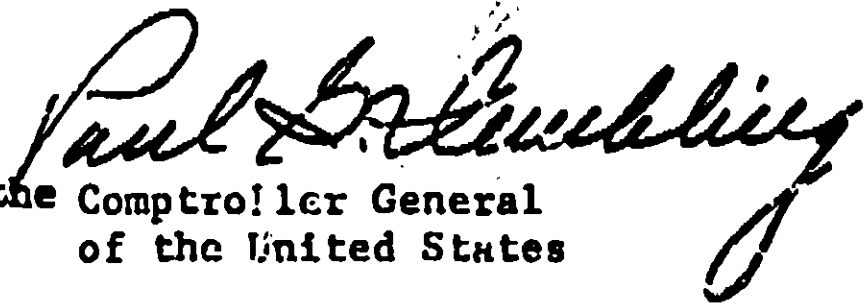
travel authorization. When Mr. Hayden returned his rental car in San Francisco, California, the odometer reading had increased by 5,501 miles. The distance from New York City to Stateline is approximately 2,730 miles.

The applicable restriction in the regulations in effect at the time the travel was performed regarding the use of surface transportation for indirect travel, such as performed by Mr. Hayden, is found at 6 FAM 131.3-2a which provided, in part, that:

"Reimbursement for costs incurred on that portion of the journey which is traveled by indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than first-class air accommodations (regardless of mode of travel) used in indirect travel * * * which would have been incurred by traveling on a usually traveled route."

Thus, under the abovequoted regulation when an employee elects to travel by an indirect route, reimbursement for travel expenses will be limited to the cost of less than first class air travel by a usually traveled route.

Upon review we find no basis that would warrant changing the conclusion reached in our decision B-183215 of May 5, 1975.


For the Comptroller General
of the United States